

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-053747

02/08/2011

HONORABLE MICHAEL D. GORDON

CLERK OF THE COURT
M. MINKOW
Deputy

IN RE THE MATTER OF
JIMMY R LOPEZ

GENE R STRATFORD

AND

LAURA E BATTAGLIA

EMILE J HARMON

DR RONN LAVIT
1130 MISSOURI STE 570
PHOENIX AZ 85014

**EVIDENTIARY HEARING VACATED
MOTION FOR NEW TRIAL MOOT
EVIDENTIARY HEARING SET ON CROSS PETITIONS**

4:07 p.m. Courtroom 108. This is the time set for Evidentiary Hearing Re: Respondent's Motion For New Trial. Petitioner/Father is present and represented by above-named counsel. Respondent/Mother is present and represented by above-named counsel.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Based on the *in chambers* conference between the Court and counsel,

IT IS ORDERED deeming Respondent's Motion For New Trial to be MOOT at this time with the recognition that the parties may be filing petitions to modify at the one-year time period. A hearing will be set on the cross motions to enforce and cross petitions for contempt.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-053747

02/08/2011

Accordingly,

IT IS ORDERED vacating today's Evidentiary Hearing.

The parties state their positions regarding the pick up and drop off locations.

IT IS ORDERED, as a temporary order, that Mother shall pick up and Father shall drop off the minor child at the Barnes and Noble located off of Happy Valley Road, and Father shall pick up and Mother shall drop off the minor child at the McDonald's located at Cave Creed Road and Tatum.

IT IS FURTHER ORDERED DENYING Respondent's Motion to Strike. The issues will be addressed at the Evidentiary Hearing set below.

IT IS FURTHER ORDERED DENYING the request for a hearing on the Injunction Against Harassment.

IT IS FURTHER ORDERED GRANTING Petitioner's Motion to Remove Parenting Coordinator, filed November 30, 2010, and hereby terminating the appointment of Dr. Ronn Lavit as Parenting Coordinator in this case. The Court thanks Dr. Lavit for his services.

By separate minute entry, and pursuant to agreement of the parties, the Court will appoint Dr. Carol Mellen as Parenting Coordinator in this case.

IT IS ORDERED that the parties shall engage in mediation with Conciliation Services regarding the surname of the minor child.

IT IS FURTHER ORDERED that Mother shall provide Father with any of the volumes of the logbook that he requests within 48 hours of today's date.

THE COURT NOTES that if Father files his Petition For Modification of Child Support, he shall set forth whether he wishes his petition to be consolidated with the Evidentiary Hearing set below, and if Mother disagrees, she shall so state her reasons in her response.

IT IS FURTHER ORDERED setting Evidentiary Hearing Re: Cross-Petitions for Contempt and Cross-Petitions to Enforce on **April 11, 2011, at 3:30 p.m., for one-and-one-half hours**, in this Division at Northeast Regional Court Center, 18380 North 40th Street, Courtroom 108, Phoenix, Arizona 85032.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-053747

02/08/2011

IT IS FURTHER ORDERED that the parties shall have a duty to consult before filing any procedural motions (e.g., a Motion to Continue a court date) and advise the Court of the opposing party's position. Movant shall aver that he/she has done so before filing any procedural motions.

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the hearing in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least thirty (30) days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a Joint Pre-hearing Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 days prior to the hearing. If the parties are unrepresented and there has been domestic violence between them, they shall file separate prehearing statements.

IT IS FURTHER ORDERED that the Pre-hearing Statement shall include the following attachments:

1. A current Affidavit of Financial Circumstances.
2. A current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
3. If there are disputed custody, access or visitation issues, a specific proposal for custody and visitation by each party.

In the Joint Pretrial Statement, the parties shall specifically set forth the relief they are seeking in the event the Court finds that enforcement is necessary and/or contempt is appropriate.

IT IS FURTHER ORDERED that any extant motion not ruled on within 45 days of its filing shall be immediately brought to the Court's attention to avoid limbo and/or oversight.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of hearing, or to timely present the Pre-hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 70(D), Arizona Rules of Family Law Procedure and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-053747

02/08/2011

IT IS FURTHER ORDERED that the parties shall deliver their exhibits to be marked to the Clerk of this Division no later than five (5) Court business days prior to the hearing. Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits. Exhibits submitted to the Clerk shall be separated one from the next with a numbered, colored sheet of paper or a tabbed-number sheet. If an exhibit is more than one page, all pages shall be bound. A numbered exhibit list with a brief description of each exhibit shall also be submitted. All exhibits presented shall have been exchanged between the parties.

IT IS FURTHER ORDERED that the parties shall indicate in the Pre-hearing Statement which exhibits they have agreed will be admissible at hearing as well as any specific objections that will be made to any exhibit if offered at hearing which is not agreed to be admitted. Reserving all objections to the time of hearing will not be permitted. At the time of hearing all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Pre-hearing Statement shall be summarily admitted.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure.

IT IS FURTHER ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall exchange updated disclosure statements required by Rules 49 and 50, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits thirty (30) days before the Evidentiary Hearing.
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed fifteen (15) days before the Evidentiary Hearing.
3. Counsel and both parties shall personally meet, face to face, at least 20 days prior to the hearing to conduct settlement discussions, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.
4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution/company or business/medical or health care provider/employer possessing any relevant information.

NOTICE: A child should not be brought to the Courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by Conciliation Services or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-053747

02/08/2011

and supervision of the child outside of the courtroom and judicial offices. The duties of Court personnel do not permit them to perform this function.

12:17 p.m. Matter concludes.

LATER:

Conciliation Services having advised they will not mediate the surname issue,

IT IS ORDERED that the surname issue will be addressed at the April 22, 2011, Evidentiary Hearing.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.